

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

DENNIS DEAN,)	
)	
Plaintiff,)	
v.)	No. 3:08-0616
)	JUDGE ECHOLS
ROBERT J. NOTESTINE, III,)	
)	
Defendant.)	

ORDER

Pending before the Court are the Report and Recommendation ("R&R") entered by the United States Magistrate Judge on December 3, 2008 (Docket Entry No. 13), to which Plaintiff did not file any objections, and Defendant's Motion and Memorandum To Dismiss For Failure To State A Claim Upon Which Relief Can Be Granted (Docket Entry No. 8), to which Plaintiff did not file a response.

In reviewing an R&R, the Court may accept, reject, or modify, in whole or in part, the findings or recommendations made by the Magistrate Judge. 28 U.S.C. § 636(b)(1); Fed.R.Civ.P. 72(b). Having carefully reviewed the entire record in this case, the Court finds that no error of fact or law appears in the R&R. Accordingly,

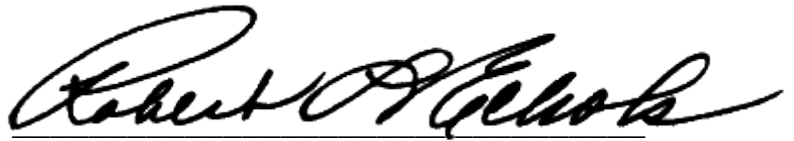
(1) the R&R of the Magistrate Judge (Docket Entry No. 13) is hereby ACCEPTED;

(2) Defendant's Motion and Memorandum To Dismiss For Failure To State A Claim Upon Which Relief Can Be Granted (Docket Entry No. 8) is hereby GRANTED;

(3) this case is hereby DISMISSED WITH PREJUDICE; and

(4) entry of this Order on the docket shall constitute entry of final judgment in accordance with Federal Rules of Civil Procedure 58 and 79(a).

IT IS SO ORDERED.

A handwritten signature in black ink, appearing to read "Robert L. Echols", written over a horizontal line.

ROBERT L. ECHOLS
UNITED STATES DISTRICT JUDGE